THE HON'BLE SRI JUSTICE D.S.R.VARMA
AND
THE HON'BLE SRI JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION No.23847 OF 2006

Between:

Smt Chand Bee, W/o Nannesha, R/o Buttirajaram Colony, subashnagar, Karimnagar.

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Petitioner

AND

1.The Station House Officer, Ramakistapur Police Sttion, Adilabad and one another.

....Respondents

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ORAL ORDER: **(per the Hon'ble Sri Justice D.S.R. VARMA)**

Heard the learned Assistant Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a "Telegram" dated 13.11.2006, sent by one Smt. Chand Bee, W/o. Nannesha, R/o Buttirajaram Colony, Subashnagar, Karimnagar, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, alleging that her son by name Dastagir, aged about 16 years, was wrongfully taken away by Ramakistapur Police, Adilabad District, and confined wrongfully from 12.11.2006 and that she has been apprehending danger to his life.

3. On notice being issued, by this Court, the Sub Inspector of Police, Ramakrishnapur Police Station, Adilabad District, filed a counter affidavit stating, *inter alia*, that one Mr. Banoth Baliya. S/o. Valia, filed a private complaint before the Judicial Magistrate of First Class, Mancherial, which was referred to the Station House Officer, Ramakrishnapur Police Station, for investigation and report, and basing on the said complaint, a case in crime No.87 of 2006 was registered against the husband and son of the petitioner for the offences punishable under Section 420 IPC and Section 3 (1) (viii)

(ix) (xv), 3 (2) (v) of SCs and STs (Prevention of Atrocities) Act, on 6.7.2006. The Superintendent of Police, Adilabad District, authorized the Sub-Divisional Police Officer, Bellampalli, to investigate into the above crime as per the instructions laid down in Chief Office Circulars and the power conferred on him under Rule 7 (1) of the Rules of the said Act. As a part of investigation, though the police searched the houses of the relatives of the husband and son of the petitioner, they could not trace the accused. However, it came to light that the both the accused are staying at their relatives' houses in Godavarikhani, Karimnagar District, and when the police constables visit the said place, they could not found the said accused. Accordingly, on 12.11.2006 police constables were deputed to apprehend the said accused. However, though the said accused were not found they found the alleged detenu at their house. He was explained the purpose of their visit and enquired about the whereabouts of his father and brother and in that connection asked him to come to the police station for the purpose of enquiry before the investigating officer. On the same day evening, at about 6.30 PM, the alleged detenu came to the Police Station and after enquiry he left the police station and he was never called again. Therefore, all the allegations in the complaint are false and that the said detenu is moving freely. The Mandal Revenue Officer, Karimnagar, has enquired the petitioner as well as the alleged detenu and recorded their statements, wherein it was categorically stated that the alleged detenu was moving freely without any fear from the police by attending to day-to-day work. The said statements have been made part of the record.

4. In view of the revelations in the counter-affidavit, nothing

remains for adjudication in this Writ Petition and the same is liable to be closed.

5. Accordingly, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

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D.S.R.VARMA, J

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P. SWAROOP REDDY, J

Dated: 04.12.2006

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